

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of **SMITH et al.**  
 Serial No. 09/662,462  
 Filed: September 15, 2000  
 Title: NUCLEIC ACID PROBES AND METHODS FOR DETECTING CLINICALLY  
 IMPORTANT FUNGAL PATHOGENS

Atty Dkt. 2551-49  
 C# M#  
 TC/A.U. 1634  
 Examiner: Goldberg  
 Date: January 3, 2005

B  
1/3

**O P E R A T I O N S C E N T E R**  
**PATENT & TRADEMARK OFFICE 6625**  
**JAN 03 2005**

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE REGARDING DRAWINGS & TWO (2) SHEETS FORMAL DRAWINGS**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

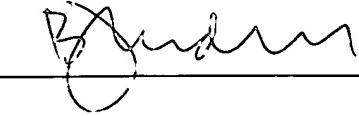
 **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment previously paid for	0 20	minus highest number (at least 20) =	0	x	\$ 50.00	\$ 0.00
Independent claims after amendment previously paid for	0 3	minus highest number (at least 3) =	0	x	\$ 200.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$360.00 (ignore improper)						\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$120.00/1 month; \$450.00/2 months; \$1020.00/3 months)						\$ 0.00
Terminal disclaimer enclosed, add \$ 130.00						\$ 0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790.00)						\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed						
<input type="checkbox"/> Submission attached						
					<b>Subtotal</b>	<b>\$ 0.00</b>
If "small entity," then enter half (1/2) of subtotal and subtract					<b>-\$</b>	<b>0.00</b>
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith						
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)					<b>\$</b>	<b>0.00</b>
Assignment Recording Fee (\$40.00)					<b>\$</b>	<b>0.00</b>
Other: Attached NOTICE REGARDING DRAWINGS DATED Nov. 2, 2004						<b>0.00</b>
					<b>TOTAL FEE ENCLOSED</b>	<b>\$ 0.00</b>

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
 Arlington, Virginia 22201-4714  
 Telephone: (703) 816-4000  
 Facsimile: (703) 816-4100  
 BJS:

NIXON & VANDERHYE P.C.  
 By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

SMITH et al. Atty. Ref.: 2551-49; Confirmation No.

Appl. No. 09/662,462 TC/A.U. 1634

Filed: September 15, 2000 Examiner: Goldberg

For: NUCLEIC ACID PROBES AND METHODS FOR DETECTING CLINICALLY  
IMPORTANT FUNGAL PATHOGENS

\* \* \* \* \*

Monday, January 3, 2005

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Attention: Tyrone Johnson  
Office of Patent Publications  
Publishing Division  
703-308-0011**

Sir:

**RESPONSE**

Responsive to the NOTICE REGARDING DRAWINGS dated November 2, 2004,  
copy attached, submitted herewith are two (2) sheets of formal drawings. Acceptance  
of the attached formal drawings is requested.

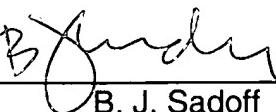
The applicants note that the drawings filed September 15, 2000 were originally  
indicated as acceptable by the Examiner in the Notice of Allowability dated October 28,  
2003 and that the Issue Fee was paid January 26, 2004. The Office is requested to  
issue the present application as a patent without further delay.

SMITH et al.  
Appl. No. 09/662,462  
January 3, 2005

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



B. J. Sadoff  
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U.S. PATENT AND TRADEMARK OFFICE

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER <b>09/662462</b>	FILING/RECEIPT DATE <b>09/15/2000</b>	FIRST NAMES APPLICANT <b>SMITH, TERRY</b>	ATTORNEY DOCKET NUMBER <b>: 2551-49</b>
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Examiner / **GOLDBERG, JEANINE**

Art Unit **1634** Paper Number

NIXON & VANDERHYE, PC  
1100 N GLEBE ROAD  
8TH FLOOR  
ARLINGTON VA 22201-4714

*Drawings Due*  
**DATES DOCKETED**

DUE Jan 2, 2005

C/U Dec 2, 2004

*BAG/M*

Date Mailed: **11/02/2004**

### Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 09/15/2000 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review

**RETURN CORRECTED DRAWINGS TO:**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Tyrone Johnson  
Office of Patent Publication,  
Publishing Division  
703-308-0011



## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 7/15/00 are:

- A.  approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
B.  objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

**1. DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

- Color drawings are not acceptable until petition is granted. Fig(s) \_\_\_\_\_  
 Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

**2. PHOTOGRAPHS.** 37 CFR 1.84(b)

- One (1) full-tone set is required. Fig(s) \_\_\_\_\_  
 Photographs may not be mounted. 37 CFR 1.84(e)  
 Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) \_\_\_\_\_  
 Poor quality (half-tone). Fig(s) \_\_\_\_\_

**3. TYPE OF PAPER.** 37 CFR 1.84(e)

- Paper not flexible, strong, white, and durable. Fig(s) \_\_\_\_\_  
 Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

- 21.0 cm by 29.7 cm (DIN size A4) or  
21.6 cm by 27.9 cm (8 1/2x 11 inches)  
 All drawing sheets not the same size.  
Sheet(s) \_\_\_\_\_  
 Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

**5. MARGINS.** 37 CFR 1.84(g): Acceptable margins:

- Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
 Margins not acceptable. Fig(s) \_\_\_\_\_  
 Top (T) \_\_\_\_\_ Left (L)  
 Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

**6. VIEWS.** 37 CFR 1.84(h)

- REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.  
 Views not labeled separately or properly. Fig(s) \_\_\_\_\_

**7. SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

- Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

**8. ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)

- Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

**9. SCALE.** 37 CFR 1.84(k)

- Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) \_\_\_\_\_

**10. CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)

- Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) \_\_\_\_\_

**11. SHADING.** 37 CFR 1.84(m)

- Solid black areas pale. Fig(s) \_\_\_\_\_  
 Solid black shading not permitted. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

- Numbers and reference characters not plain and legible. Fig(s) \_\_\_\_\_  
 Figure legends are poor. Fig(s) \_\_\_\_\_  
 Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) \_\_\_\_\_  
 English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) \_\_\_\_\_

- Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) \_\_\_\_\_

**13. LEAD LINES.** 37 CFR 1.84(q)

- Lead lines missing. Fig(s) \_\_\_\_\_

**14. NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)

- Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) \_\_\_\_\_

**15. NUMBERING OF VIEWS.** 37 CFR 1.84(u)

- Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

**16. DESIGN DRAWINGS.** 37 CFR 1.152

- Surface shading shown not appropriate. Fig(s) \_\_\_\_\_  
 Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) \_\_\_\_\_

## COMMENTS:

Reviewer \_\_\_\_\_

If you have questions, call (703) 305-8404.

Date 11/11/04

Attachment to Paper No. \_\_\_\_\_